

**DECISION ON THE REVIEW AND ASSESSMENT OF THE PLAN SUBMITTED UNDER
PARAGRAPH 2 OF SECTION XV**

Party concerned: Croatia

In accordance with the “Procedures and mechanisms relating to compliance under the Kyoto Protocol,” contained in the annex to decision 27/CMP.1 and adopted under Article 18 of the Kyoto Protocol, and the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” (the rules of procedure),¹ the enforcement branch adopts the following decision.

BACKGROUND

1. The final decision of the enforcement branch taken on 26 November 2009 (CC-2009-1-8/Croatia/EB) gave effect to the consequences contained in paragraph 23 of the preliminary finding of the branch, as confirmed by and annexed to the final decision. According to this paragraph, Croatia was declared to be in non-compliance; Croatia was required to develop a plan referred to in paragraph 1 of section XV,² in accordance with paragraph 2 of section XV; and Croatia’s eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol was suspended in accordance with the relevant provisions under those Articles pending the resolution of the questions of implementation. In particular, the plan referred to above should address the calculation of the assigned amount and the commitment period reserve of Croatia in accordance with Article 3, paragraphs 7 and 8, of the Kyoto Protocol and the modalities for the accounting of assigned amounts contained in decision 13/CMP.1, and any other steps Croatia may wish to take to remedy the non-compliance. Pursuant to the final decision, the plan was due on 2 March 2010.

2. On 14 January 2010, Croatia lodged an appeal, in accordance with section XI, against the final decision of the enforcement branch to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (FCCC/KP/CMP/2010/2). The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol was not able to complete its consideration of the appeal at its sixth session and decided to include it on the provisional agenda for its seventh session (FCCC/KP/CMP/2010/12, paragraph 67). On 4 August 2011, Croatia withdrew its appeal against the final decision of the enforcement branch (FCCC/KP/CMP/2011/2).

3. On 11 November 2011, Croatia submitted a letter with the subject “Submission of the plan for reinstatement of Croatia’s compliance related to the calculation of the assigned amount and the commitment period reserve” (CC-2009-1-10/Croatia/EB; hereinafter referred to as “Croatia’s plan”). The letter also included a request to the enforcement branch, pursuant to paragraph 2 of section X, to reinstate Croatia’s eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol. In accordance with paragraph 2 of rule 10 of the rules of procedure, Croatia’s plan and request were deemed received by the enforcement branch on 14 November 2011.

4. During the sixteenth meeting of the enforcement branch, held in Bonn from 14 to 18 November 2011, the enforcement branch reviewed and assessed Croatia’s plan, in accordance with paragraph 2 of section XV, and considered the request to reinstate Croatia’s eligibility, in accordance with paragraph 2 of section X.

¹ All references to the rules of procedure in this document refer to the rules contained in the annex to decision 4/CMP.2 as amended by decision 4/CMP.4.

² All section references in this document refer to the “Procedures and mechanisms relating to compliance under the Kyoto Protocol” contained in the annex to decision 27/CMP.1.

REASONS AND CONCLUSIONS

5. Although Croatia's plan arrived after the due date and does not meet all requirements set out in paragraph 23 (b) of the preliminary finding, it is the assessment of the branch that the measure reflected in this plan, if implemented in accordance with this decision, is expected to remedy the non-compliance. To implement this measure, the branch suggests that Croatia and the secretariat exchange letters consisting of:

- (a) A request by Croatia to the secretariat to record in the compilation and accounting database the assigned amount and the commitment period reserve, as calculated by the expert review team that reviewed the initial report of Croatia and referred to in paragraphs 130 and 132 of the report of the review of the initial report of Croatia (FCCC/IRR/2008/HRV);³ and
- (b) A confirmation by the secretariat to Croatia that the compilation and accounting database has been updated accordingly.

6. The branch, furthermore, suggests that Croatia submits the exchange of letters referred to in paragraph 5 above to the enforcement branch.

7. Pending the implementation of the measure referred to in paragraph 5 above, the enforcement branch keeps the request to reinstate Croatia's eligibility under consideration.

DECISION

8. In accordance with paragraph 2 of section XV and paragraph 3 of rule 25 bis of the rules of procedure, it is the assessment of the branch that:

- (a) Croatia's plan does not meet all requirements set out in paragraph 23 (b) of the preliminary finding; and
- (b) The measure reflected in Croatia's plan, if implemented in accordance with this decision, is expected to remedy the non-compliance.

9. The branch decides to defer the consideration of Croatia's request, pursuant to paragraph 2 of section X, to reinstate Croatia's eligibility.

Members and alternate members participating in the consideration and elaboration of the decision: Joseph AMOUGOU, René LEFEBER, Stephan MICHEL, Ainun NISHAT, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV, Mohamed SHAREEF.

Members participating in the adoption of the decision: Mohammad ALAM (alternate member serving as member), Joseph AMOUGOU (alternate member serving as member), Raúl ESTRADA-OYUELA, Balisi GOPOLANG (alternate member serving as member), René LEFEBER, Stephan MICHEL, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV, Mohamed SHAREEF.

This decision was adopted by consensus in Bonn on 18 November 2011.

³ The assigned amount referred to in paragraph 130 is 148,778,503 tonnes carbon dioxide equivalent and the commitment period reserve referred to in paragraph 132 is 133,900,653 tonnes carbon dioxide equivalent.